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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,403	12/17/2004	Frederic Milliot	Q85026	9974
23373	7590	07/13/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			VU, MICHAEL T	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/518,403	Applicant(s) MILLIOT ET AL.	
	Examiner Michael Vu	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/17/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 02/17/05 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Response to Arguments

4. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

5. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Label each components are required, and Figure number are missing in Drawing and Specification. Applicant is advised to employ the services of a

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competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities: Missing Background of the invention, Summary, Brief description of the drawings, Description of the preferred embodiments.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 5-10, 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll (US 2001/0041591).

Regarding **Claims 1, 9 and 14**, Carroll teaches a method of supplying (service) configuration data to a mobile telephony device equipped with AT command management means [0004-0009], the method comprising: i) setting up a connection

between said device containing service configuration data (Fig. 1, Wireless Phone #108, physical connection service to Provision Device #106, from resource Service Provide #102, via the communication network) and ii) exchanging service configuration data between the terminal and the device (Fig. 1, [0019]), **but is unclear on** by means of selected AT commands that the AT command management means of said device are able to interpret.

As an Examiner noted that AT commands refers to commands of the type original developed by Microcomputer Manufacture (see Applicant's paragraph [0007]).

However, Carroll teaches a system includes all of these features above with a similar concept, user after purchasing a wireless communication device, such as a cellular telephone. The user must have the device activated or provisioned for use. Provisioning is the programming of a wireless communication device for use by the owner. Several conventional systems have been proposed for inserting provisioning information (e.g., secret privacy and authentication keys, or unique operational information) into these devices. The user/carrier key management infrastructure for the authentication-based wireless system uses a key hierarchy generated from a user's unique authentication key (A-key). The A-key is, for example, a 64-bit value used to generate a user's temporary authentication keys as well as privacy keys for data, voice, and messaging. There are currently several proposed and implemented approaches for A-key generation and distribution ([0004-0012], Figs 1-6, [0017-0021, 0034-0050]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carroll, such that by means of selected AT

commands that the AT command management means of said device are able to interpret, to activate the provisioning device from certain makes and models.

Regarding **claims 2 and 15**, Carroll teaches the method according to claim 1, wherein data representative of a provisioning protocol is extracted from the device by means of selected AT commands and then sent to the terminal so that said terminal may exchange said configuration data with said device in accordance with said provisioning protocol (See Figs 1-6, [0017-0021, 0034-0050]).

Regarding **claims 3 and 10**, Carroll teaches the method according to claim 1, wherein that said AT command management means extract said configuration data from the AT commands received from the terminal in order to supply it to application means requiring mobile Internet resources (Fig. 1, Provision Information send from Service Provider #102 via Internet Resources #104 to #106, #108).

Regarding **claims 5 and 12**, Carroll teaches the method according to claim 3, wherein said configuration data is supplied to a provisioning agent in said application means (See Fig. 1, [0010-0012, 0018-0019]).

Regarding **claims 6, 13 and 16**, Carroll teaches the method according to claim 1, wherein that at least certain of the configuration data stored in a memory of the device is extracted in order to send it to said terminal and in that, on receipt of said data, the device is sent AT commands for modifying certain data, after which the modified data is stored in said memory (Fig. 3, [0036, 0062]).

Regarding **claims 7 and 17**, Carroll teaches the method according to claim 6, wherein that at least certain of the configuration data stored in the memory is extracted

in order to send it to said terminal and in that, on receipt of said data, the device is sent AT commands representative of new configuration data, after which the new data is stored in said memory (Fig. 4, [0018-0019, 0041-0043, 0036, 0062]).

Regarding **claims 8 and 18**, Carroll teaches the method according to claim 6; wherein that at least certain of the configuration data stored in the memory is extracted in order to send it to said terminal and in that, on receipt of said data, the device is sent AT commands for deleting certain data from said memory (Fig. 4, [0041, 0043]).

Regarding **claim 19**, Carroll teaches the method according to claim 1, wherein said connection is selected from the group consisting of a cable connection and a radio connection (Figs. 1-6).

9. Claims 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Bharadwaj (US 2002/0032751).

Regarding **claims 4, 11**, Carroll teaches the method according to claim 3, **but is silent on** wherein that said application means are selected from the group comprising browser means, onboard Java application means, and onboard Multi Media Messaging application means.

However, Bharadwaj teaches a method and system that transmit and receive Java and Multimedia Messaging MMS applications, and WAP [0005, 0026, 0099, 0692].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carrol, such that wherein that said application means are selected from the group comprising browser means, onboard Java

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application means, and onboard Multi Media Messaging application means, to enhance and support all of the devices by using different applications software or platform.

10. Claim 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Herle (US 2003/0027563).

Regarding **claim 20**, Carroll teaches the method according to claim 19, wherein said radio connection is selected from the group **but is silent on** consisting of an infrared connection and a "Bluetooth" connection.

However, Herle teaches the wireless connection conformation to IrDa or Bluetooth, which characterized in the connectivity between a wireless telephone and a PDA device [0016].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carroll, such that consisting of an infrared connection and a "Bluetooth" connection, to provide the capability of software or application upgrade or download between from Internet to devices.

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Lee (US 2002/0105834).

Regarding **claim 21**, Carroll teaches the use of a method, according to claim 1, to configure application means **but is silent on** operating in accordance with a protocol selected from the WAP, HTTP, IP, GPRS, and CSD protocols.

However, Lee teaches a device for data communications between wireless application protocol terminal and wireless application server, protocol selected from the WAP, HTTP, IP, GPRS, and CSD (Abstract, [0020-0023]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carroll, such that operating in accordance with a protocol selected from the WAP, HTTP, IP, GPRS, and CSD protocols, to provide the flexibility of capable of accessing the entire of the circuit or packet networks protocols.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER